FARAD CONTINUATION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE

CIVIL APPLICATION NO.1077 OF 2006

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders

Mr.P.R.Arjunwadkar for the applicant.

Mr.S.V.Sadavarte for the respondent.

Coram : R.S.Mohite,J

Date : 8.6.2006.

PC

1. This is an application for condonation of delay of 55 days in filing the review application. Heard both sides. For the reasons which are mentioned in the application and which are accepted, delay is condoned. Application stands disposed of.

(R.S.Mohite,J)

REVIEW APPLICATION 4692/2006

1. This is a review application against my judgment and order

dated 1.12.2005. Three points are raised. First point sought to be urged is surrender of tenancy was never challenged and hence must be held to be final. I already held in my judgment that the said surrender was non-est in the eyes of law. The 2nd point is that tenancy was joint and surrender was not challenged by the other tenant. Once it is held that the surrender is non-est, this point does not arise. Lastly it was urged that the petitioner has filed proceedings under Section 17-B of the Bombay Tenancy Act and has withdrawn the proceedings, therefore, principles of resjudicata was applied. There is no substance in this point. Application is therefore, rejected.

(R.S.Mohite,J)